has been creating puzzles for the Courts, and the Courts have been trying to solve them, too often guessing in vain, and giving many and different solutions.

The Acts of 1888 were intended to revive the old law, and to produce "free trade in Native lands;" but it was evident that the days of the old method of proceeding were numbered. The difficulties had increased. Cases decided in the Supreme Court and Court of Appeal revealed dangers hitherto unthought-of. Seymour *v.* Macdonald, Seymour *v.* Apiata and Others, Paraone *v.* Matthews, and, lastly, Poaka *v.* Ward, 8, N.Z.L.R, 338, cut away the foundation of vast numbers of titles which had been looked upon as absolutely safe. Seymour *v.* Macdonald, N.Z.L.R., 5, C.A., 172, and Matthews *v.* Paraone, N.Z.L.R., 6, S.C., 746, overruled the accepted decision in the Kotarepaia case, N.Z.L.R., 3, S.C. p. 56. In that case it was stated that a conveyance by a majority of Native owners, though inoperative before division, became valid after the order of the Court dividing the land was made, and completed the title in the European purchaser. It was stated by counsel that Mr. Justice Richmond said that he had been misunderstood in that judgment, and the report of it was practically erroneous. Innocent purchasers of valuable properties who had relied upon the words of the Act of 1873, and the reported interpretation put upon them by the Supreme Court in the Kotarepaia case, thus found themselves in a trap from which there was no extrication.

To meet all cases of this description, and those where the dealing had been suddenly stayed by the Act of 1886, the Legislature in 1890 created a Commission consisting of Mr. Edwards and Mr. Ormsby. That Commission finally revealed the hazardous condition of Native title under the Act of 1873. In the Whatatutu case it was decided that, though the dealing was fair and just, though the Natives had received the purchase-money agreed upon and signed the necessary deeds, though the Trust Commissioner had affixed his certificate, though the European had been in peaceable possession for fifteen years, and after notice not a solitary Native objected on any ground to the sale, or deed which gave it effect, yet, because some minor details of the statutory requirements had not been complied with, the deed was null and void.

This decision, which in itself seems correct and unimpeachable, spread dismay throughout the East Coast. No further deeds were brought before the Commission. It sat no more in that district, and was finally cancelled in the early part of this year.

Subdivision.

In the Native Land Court Act of 1888 the climax of absurdity was reached by Parliament. The Legislature was in truth consistent, but it was consistent in a system as impotent for good as it was powerful for harm. The 21st section of that Act provided that the Court in every case where an original order of ownership or of partition was made, the respective individual interest of each Native should be defined in such order. How was the Court to decide the individual interest of those who held no individual interest at all? By what principle of partition was it to be governed? In all the range of experience there was not a solitary precedent to follow nor a solitary rule to guide.

In the North Island there are certainly thirty-five thousand Natives owning land in common. On an average, every name will be found in at least two certificates of title. Thus seventy thousand cases have to be decided. In addition to this colossal number, deaths are occurring at the rate of at least fifteen hundred a year. To these there will be certainly three thousand successors. Even now the undecided claims to succession are exceedingly numerous. Frequently the applicant dies before his claim to succeed is heard.

The task of Sisyphus is here set to the Native Land Court many times multiplied. It is indescribably hopeless. It is almost more easy to believe that Parliament was playing a gigantic practical joke than that it was in sober earnest calling upon a Court whose work is already notoriously in arrears to commence a new duty such as this. To show more clearly the impossibility of success, we would point out the fact that, even if all those titles were defined, they would then, under the present system, have to be located, and the Maori lands cut up, in the midst of an universal scramble, into a hundred thousand allotments of varying size, character, and location, all made at the absolute will of the Native Land Court Judges. In truth, the task of arranging the individual interests of the Native owners is nearly always done by the Natives themselves. It is a matter of mutual arrangement, and not of law. The evidence of Mr. Rennell, of Judge Mackay, of Judge Ward, and others is conclusive. It is notorious also that in large blocks like Porangahau and Tahora the people have met and agreed upon the interests which each should take. To call upon the Court to decide that which is subject to no gauge or measure is to call upon it either to perform an impossibility or to decide according to its own arbitrary will.